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Company Law Report and another passage from the Vivian Bose Report and then condemns everybody and the private enterprise in the world. I think that we must have a sense of balance in all these matters. Whoever runs an industry will have its problems. Merely because certain mistakes occur either in the private sector or in the public sector or even in the co-operative sector, it cannot be an argument against the whole system. That is the thing which we forget, each one of us in our enthusiasm. I have seen people who were great advocate of nationalisation taking out there or four items which are really bad. These misdeeds are done only by three or four people. But the country does not consist of only three or four people any more than one bus which had to be pushed shows that all the 1,200 buses have to be pushed. Therefore we must have a sense of balance in these matters. I trust, in looking at the problems of the nation as a whole, we shall bring to bear an objective view in respect of these things and try to help the administration.

Sir, I am grateful to the House for the patient hearing given to me. It is usual in this House not to press the amendment to the Motion of Thanks and I do hope that in accordance with this convention and in accordance with the spirit that is prevailing in this House, the hon. Member will withdraw his amendment.

Thank you, Sir.

The amendment of Sri S. K. Sambandhan was, by leave, withdrawn.

MR. CHAIRMAN : The question is—

"That an humble address be presented to the Governor that the Address delivered to the Members of the Legislature on the 16th January 1964".

The motion was put and carried.

IV—GOVERNMENT BILL

THE MADRAS CITY MUNICIPAL CORPORATION, DISTRICT MUNICIPALITIES AND PANCHAYATS (AMENDMENT) BILL, 1964 (L.A. BILL NO. 3 OF 1964)

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

"That the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Bill, 1964 (L.A. Bill No. 3 of 1964), as passed by the Assembly, be taken into consideration".

Hon. Members are aware that during the last Session of the Legislature, the Madras City Municipal Authorities (Term of Office and Election of Councillors) Act, 1963, was passed by the Legislature and it was brought into force from the 6th December 1963. Proceedings for the conduct of elections to the Madras City Municipal Corporation and mufassal municipal council based on the provisions of this Act have been started already. Polling

* Printed as Appendix on pages 27–30 supra.

will take place in the month of February 1964, and, after the results are announced, the new councillors will have to come to office on 2nd March 1964.

At present, the councillors of the Madras City Municipal Corporation have to take the oath of allegiance before they assume office in the form prescribed in sub-section (1) of Section 53-A of the Madras City Municipal Corporation Act, 1919 (Madras Act IV of 1919). The councillors of the municipal councils leave to take the oath in the form prescribed in section 2 of the Madras District Municipalities and Local Boards (Amendment) Act, 1921 (Madras Act II of 1922). The oath of allegiance to be taken by the members of the panchayat is also as prescribed in Madras Act II of 1922. The forms of oath or affirmation to be made by the councillors or the members of the panchayat is based on the form of oath or affirmation to be made by the members on the State Legislatures which is prescribed in Third Schedule to the Constitution of India. This form of oath has recently been amended by the Constitution (Sixteenth Amendment) Act, 1963 requiring members of the State Legislatures also to swear or solemnly affirm that they would uphold the sovereignty and integrity of India. It is therefore considered that the form of oath or affirmation to be made by the members of the local authorities should also be in the form now prescribed for the members of the State Legislatures. It is therefore proposed that the form of oath or affirmation provided for in Madras Act IV of 1919 should be suitably amended and that suitable provision should be made in the Madras District Municipalities Act, 1920 (Madras Act V of 1920), and the Madras Panchayats Act, 1958 (Madras Act XXXV of 1958). In view of the povisions proposed to be made in the said Acts, it is considered that there is no need to retain the Madras District Municipalities and Local Boards (Amendment) Act, 1921 (Madras Act II of 1922) in force. It is therefore proposed to repeal that Act.

Sir, I move that the Bill be taken into consideration.

MR. CHAIRMAN : Motion moved—

"That the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Bill, 1964 (L.A. Bill No. 3 of 1964), as passed by the Assembly, be taken into consideration."

SRI K. BALASUBRAMANYA AYYAR : Sir, I welcome this Bill. It is really implementing what we have already decided about the oath and the amendment of the oath including the provision as regards the upholding of the integrity and sovereignty of India. The City Municipal Act has already a provision that before taking his seat, a Member should take the oath. Therefore, that oath has to be altered now on account of the fact that we added the words "Upholding the integrity and sovereignty of India" 11–50 a.m.

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also there. Therefore it is really a consequential amendment to the principle which we have accepted that there should be this oath by which a person who takes the oath or makes the affirmation says that he will "uphold the sovereignty and integrity of India". In regard to oath taking in legislatures, I find there is a provision in the Constitution that every person who is elected shall, before taking his seat, make an oath or affirmation. But it is not mentioned in the Constitution as to what should happen if he does not do it. Should it be taken that because it is stated that before taking his seat, he shall make the oath, if he does not take the oath or affirmation, he won't take his seat and as he does not take his seat, the seat is vacant? That is why I think that there is no special provision in the Constitution. But in sub-section (2) of the proposed section 50-A we find it stated—

"Any person who, having been elected to be a councillor, fails to make, within three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath or affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant."

I am not quarrelling with the merits of it. But evidently it is assumed that he may continue to take his seat even though there may be no oath or affirmation. That is why this further provision becomes necessary. They are not satisfied with the first statement "shall, before taking his seat, make . . . . . on oath or affirmation."

THE HON. SRI R. VENKATARAMAN: The thing is this. In the Legislature he will not be allowed to come and participate. He will still continue to be a member and if he does not attend the meeting for sixty consecutive days, he will cease to be a member. So, the time allowed in the Legislature is what is provided in the Constitution. Here we have made a specific provision because there is no such provision as there is in the Constitution.

SRI K. BALASUBRAMANYA AYYAR: Here for three months, if he do does not attend . . . .

THE HON. SRI R. VENKATARAMAN: He might argue, "I have not taken the oath. Therefore, I have not become a member." Therefore, the provision made is that only a member who does not make the oath within three months or at one of the first three meetings will cease to be a member. This specific provision is made here because there is no such provision here as in the Constitution.

SRI K. BALASUBRAMANYA AYYAR: Taking his seat is necessary. That is why it is stated "shall, before taking his seat, make . . . . an oath . . . . .". Therefore, he cannot take the seat if he does not take the oath.

THE HON. SRI R. VENKATARAMAN: The matter is very simple, Sir. In the existing Act there is this provision. It is, therefore, repeated here.

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SRI K. BALASUBRAMANYA AYYAR: I know that. But simply because there is a provision in the existing Act, we cannot repeat it.

THE HON. SRI R. VENKATARAMAN: The point is this. In the existing Act, there is a provision and it is repeated here. Otherwise, the Court might put an interpretation that it was deliberately omitted and it may give rise to another interpretation. Therefore, it is repeated and the view of the Government is that even without this provision, the person, if he does not take the oath, cannot take his seat.

SRI K. BALASUBRAMANYA AYYAR: The second provision assumes that he can take his seat even though there is no oath taking. It detracts from the strength of the previous provision " shall, before taking his seat, make an oath ". That statement loses its value if it is said that after three months if he does not make the oath, his seat will become vacant.

MR. CHAIRMAN: What about the Bradlaugh case?

SRI K. BALASUBRAMANYA AYYAR: There he did not take the oath. He did not take his seat and it was declared vacant. Another election was held. There he refused to take the oath.

THE HON. SRI R. VENKATARAMAN: I have explained the position. The view of the Government is that even without this specific provision, the person will not be a member. But this provision is made since it already exists in the District Municipalities Act and there is an interpretation possible that it was dropped for some other reason. Therefore, by way of abundant caution this provision is made.

MR. CHAIRMAN: The question is—

'That the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Bill, 1964 (L.A. Bill No. 3 of 1964), as passed by the Assembly, be taken into consideration ".

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 7 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI R. VENKATARAMAN: Mr. Chairman, Sir, I move—

'That the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Bill, 1964 (L.A. Bill No. 3 of 1964), as passed by the Assembly, be passed'. 12-00 noon.

MR. CHAIRMAN: Motion moved—

'That the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Bill, 1964 (L.A. Bill Nos 3 of 1964), as passed by the Assembly, be passed'.

SRI K. BALASUBRAMANYA AYYAR : Sir, the provisions of section 53 (a) of the City Municipal Act were passed before the Constitution came into force. Therefore this is a matter which may be considered by the department.

MR. CHAIRMAN : The question is—

'That the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Bill, 1964 (L.A. Bill No. 3 of 1964), as passed by the Assembly, be passed.'

The motion was put and carried and the Bill was passed.

MR. CHAIMAN : The House will now adjourned and meet again at 10-30 a.m. to-morrow.

The House then adjourned.

V—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 90. *Annual Report and Audited Accounts of the Madras State Warehousing Corporations.*

* 91. *Notification issued with G.O. Ms. No.* 3430, *Home, dated* 29*th October* 1963, *regarding exemption from payment of tax leviable under the Madras Motor Vehicles Taxation Act,* 1931 *station wagon bearing Registration No. MDH* 3421, *belonging to the United Nations International Children's Emergency Fund and assigned to the District Medical Officer, Chingleput.*

* 92. *Notification issued with G.O. Ms. No.* 2384, *Rural Development and Local Administration, dated* 6*th November* 1963 *relating to Manoor Development Block in the South Tirunelveli Development District.*

* 93. *Statement XXXVIII showing action taken on assurances, promises and undertakings given during thirteenth to twentieth Sessions,* 1958-62 *of the Madras Legislative Council.*

†† 94. *Notification issued with Ms. No.* 2487, *Rural Development and Local Administration, dated* 23*rd November* 1963, *regarding dissolution of Manapparai Panchayat, Tiruchirappalli District for a period of one year.*

‡ 95. *Speech of Hon. Sri M. Bhaktavatsalam, Chief Minister, presenting the Second Supplementary Estimates for* 1963–64 *to the Madras Legislature.*

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* Laid on the Table of the House on 20th January 1964.

† Laid on the Table of the House on 21st January 1964.

‡ Laid on the Table of the House on 18th January 1964.